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## State of New Jersey

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May 25, 2000

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96-981

via UPS Next Day Air Mail

Ms. Magalie Roman Salas, Secretary  
Federal Communications Commission  
Office of the Secretary  
445-12th Street, S.W.  
Room TW-204B  
Washington, D.C. 20554

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JUN - 9 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: I/M/O New Jersey Board of Public Utilities  
Petition for Delegated Authority to Implement  
Number Conservation Measures

Dear Secretary Salas:

Enclosed please find an original and five (5) copies of  
a Petition of the New Jersey Board of Public Utilities regarding  
the above-referenced matter.

Please file-stamp one copy and return it to me in the  
enclosed envelope. Thank you for your attention in this matter.

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Very truly yours,

JOHN J. FARMER, JR.  
ATTORNEY GENERAL OF NEW JERSEY

By: Grace S. Kurdian  
Deputy Attorney General

c: Herbert H. Tate, President  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the matter of:

The New Jersey Board Of Public Utilities	)	CC Docket No.
Petition For Delegated Authority To	)	
Implement Number Conservation Measures	)	

I. INTRODUCTION

Due to the frequent exhaust of area codes and the resulting disruptions to customers caused by implementing additional area codes, the New Jersey Board of Public Utilities (BPU) is hereby petitioning the Federal Communications Commission (FCC) for greater authority to implement more efficient number administration practices to conserve numbers and avoid the frequent exhaust of area codes in New Jersey. The existing number assignment practice is a major cause of the early exhaust of area codes. The current practice of assigning numbering resources to a requesting carrier is to assign a 10,000 number block per rate center even where carriers require substantially less than 10,000 numbers to serve customers in the particular rate center. This number assignment practice causes the early exhaust of area codes affecting both service providers and consumers. Report and Order and Further Notice of Proposed Rule Making, In The Matter of Numbering Resource Optimization, CC Docket No. 99-200, (March 31, 2000), ("Report and Order"), ¶116. Carriers are thus faced with dwindling supplies of available telephone numbers and the public is faced with frequently changing area codes. Specifically, the New Jersey BPU is seeking delegated authority as described herein to:

- (A) Implement mandatory one thousands-number block pooling;
- (B) Ration NXXs for 6 months following area code relief; and
- (C) Implement all other conservation measures approved by March 31, 2000 Report and Order.

The Board is cognizant of the FCC's Report and Order. It was anticipated that with this Order deployment of nationwide pooling would commence. However, the March 31, 2000 Order deferred the mandatory pooling requirement until such time that a national pooling administrator is selected to develop and implement a schedule for nationwide deployment. In light of this delay, the FCC recognized the need of some states to obtain the benefits of thousand block number pooling as soon as feasible and made provisions to continue to grant the states' requests for authority to implement number conservation measures including thousand block

number pooling on an individual basis. Report and Order, 19156, 169.

Therefore, in order to obtain more efficient assignment of existing resources, maintain competitive equity, minimize increases in costs and rates to consumers, and avoid introducing new area codes prematurely, the New Jersey BPU seeks delegated authority to implement conservation measures including mandatory thousands-block pooling to improve the efficiency of number utilization in New Jersey. The conservation measures and number assignment standards should provide this state the additional flexibility needed to implement timely and appropriate Number Plan Area ("NPA or Area Code") relief in New Jersey as discussed below.

The Board is aware that conservation should not be a substitute for area code relief. Relief has been sought for the 201, 973, 908, and 732 area codes through two dockets, Dkt. Nos. TO98080707 and TO99010034. Area code relief will be provided if and when necessary through these and/or other petitions filed in the future.

In terms of background, despite the area code relief made available at the start of 1998, by September 21, 1998, the new NPAs 732 and 973 were declared in jeopardy of exhaust. Shortly thereafter, the new 201 NPA was also declared to be in jeopardy of exhaust. This jeopardy situation is largely due to the demands of a large number of competitive carriers recently certified in New Jersey which are preparing to enter the new telecommunications marketplace. As a result, the new 201 is projected to exhaust in the fourth quarter of 2001, the new 973 NPA is projected to exhaust in the second quarter of 2001 and the new 732 NPA is expected to exhaust in the first quarter of 2001. Rationing is currently in place in all three NPAs, all protected codes have been released for assignment and a number of unused codes were returned. Further, all service providers have been required to submit detailed utilization reports and projections of all New Jersey NPA NXXs at the 1000 number block level for a study currently being conducted. The reports were due on April 20, 2000. Many carriers have already filed their reports with the Board. Staff is in the process of compiling the results and has provided an initial analysis. The utilization study is to yield a current assessment of the life expectancy of each NPA in the state. It will show quantities of all unused assigned numbering resources assigned from the three area codes recently added and the numbering resources immediately available in preparation for pooling.

The Commission has already provided interim authority to implement thousand block number pooling to certain state commissions, including California, Connecticut, Florida, Maine, Massachusetts, New Hampshire, New York, Ohio, Texas, and Wisconsin,

recognizing that doing so will extend the lives of certain jeopardy NPAs in those states. In The Matter of Numbering Resource Optimization, CC Docket No. 99-200, 1120. New Jersey now seeks similar authority to implement number conservation measures.

## II. DISCUSSION

### (A) Thousand Block Pooling

The New Jersey BPU seeks authority to implement nondiscriminatory, mandatory thousand block number pooling in accordance with paragraph 170 of the FCC's March 31, 2000 Report and Order and Proposed Rule Making, In The Matter of Numbering Resource Optimization, CC Docket No. 99-200. The continued rapid depletion of existing numbering resources requires delegation of authority to implement mandatory number pooling. Per paragraph 170, this Board hereby certifies that the 732, 973 and 201 NPAs have been declared to be in jeopardy of exhaust and that rationing is currently in effect. Furthermore, all but one of the three codes in jeopardy have a life span of at least one year. Also, all NPAs in New Jersey, inclusive of 609 and 856 are in the top 100 Metropolitan Statistical Areas ("MSAs") and these NPAs are local number portability capable.

Exhaust projections based on current practices seem to indicate that the 732 NPA exceeded the one year life span limitation. In addition, the 973 NPA appears to be approaching the minimum of a remaining one-year lifespan limitation noted in paragraph 170. However, as allowed by paragraph 170, this Board asserts that there are special circumstances as described herein which make the implementation of thousands-block number pooling viable in these NPAs at this time. As noted above, a usage survey is currently underway in all New Jersey area codes. Preliminary results show that thus far there are currently 22 competitive wireline local exchange companies holding central office codes. There are 36 rate centers in 732 and 42 rate centers in 973. Of the 22 wireline companies, sixteen have thus far submitted reports and eleven of these are holding a total of 1843 one thousand-number blocks in the 732 NPA and 1730 one thousand-number blocks in the 973 NPA. These blocks are at significantly less than the 10% usage or contamination level, and therefore are available for pooling in conformance with the March 31, 2000 Report and Order. There are four wireline companies that have not yet reported utilization. Cellular and paging firms are also being surveyed and results are being compiled. In sum preliminary results of the survey under way show a number of wireline firms holding substantial numbering inventories with which to provide service.

Therefore, in accordance with paragraph 170 of the March 31, 2000 Report and Order, the Board requests authority to

implement number pooling in accordance with the rules set forth in Appendix A to the March 31, 2000 Report and Order, 47 CFR section 52.20, which outlines which carriers shall participate and how the donations of 1000 number blocks shall be made to the pool as well as the requirement for an impartial pooling administrator. These measures will be applied to all New Jersey NPAs as follows: first, to the 732 NPA; second, the 973 NPA; third the 201 NPA, fourth the 908 NPA; fifth, the 609 NPA; and finally to the 856 NPA.

(B) Maintenance of Rationing Procedure for 6 months following Area Code Relief

As noted above, despite the relief made available at the start of 1998, immediately thereafter, by September 21, 1998, a jeopardy situation was declared for the new 732 and 973 area codes.

A jeopardy situation was also declared for the 201 area code shortly after. Therefore, to control the accelerated demand that accompanies the announcement of the area code relief plan and to prevent another declaration of jeopardy immediately following the implementation of an area code relief, the Commission is requested to grant the Board additional authority to implement a rationing procedure for at least 6 months following the area code relief plan. The Commission has already authorized the Florida Public Service Commission and the Massachusetts Department of Telecommunications and Energy (MDTE) to maintain rationing procedures for six months after the relief date.

(C) Implementation of Other Remaining March 31, 2000 Conservation Measures

The Board requests delegated authority to implement the remainder of the conservation measures and rules set forth in Appendix A of the FCC's March 31, 2000 Report and Order and Notice of Further Rule Making in the event these rules are not codified into law by the time this Petition is processed. Specifically, the New Jersey Board of Public Utilities seeks delegated authority to mandate reporting requirements, define number use categories, set rules regarding applications for numbering resources, reclaim unused number resources and require sequential number assignments as further defined in the FCC's March 31, 2000 Report and Order. If these rules change on reconsideration or on Commission initiatives, New Jersey will comply accordingly.

**III. CONCLUSION**

The increasing rate of number assignments, and NPA exhaust, is problematic. The ability to implement number conservation measures and to explore alternatives to the current inefficient number assignment process are necessary to adopt more effective area code relief. The Commission's March 31, 2000 Report

and Order has set forth appropriate rules and regulations to efficiently conserve number resources, but the national plan requires an implementation delay of several months. Accordingly, the New Jersey BPU requests additional delegated authority to implement the number conservation measures discussed herein to ensure more effective numbering resource utilization.

WHEREFORE, for the reasons set forth above, the Board respectfully requests that the FCC grant the Petition for Delegated Authority to Implement Number Conservation Measures.

Respectfully submitted,

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Dated: May 25, 2000

By:

Grace S. Kurdian  
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Deputy Attorney General